
**By-Laws
Trustees of the Kimball Library
Atkinson, New Hampshire**

These By-Laws govern the actions and procedures of the Trustees of the
Kimball Library, Atkinson, New Hampshire

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ARTICLE I: Name and Authorization

This organization shall be named: **The Trustees of the Kimball Library.** (The Trustees) The Library Trustees exists by virtue of the provisions of Section 202-A:2 Revised Statutes Annotated (RSA), New Hampshire, July 1, 1963.

ARTICLE II: Purpose

The Trustees shall have the entire custody and management of the Kimball Library and the property of the town relating thereto, except trust funds held by the town. (RSA 202-A:6)

ARTICLE III: Trustees

Membership

Section 1:

The Library Trustees shall consist of five legal residents of Atkinson and shall be elected according to the laws of the State of New Hampshire. Such Trustees shall serve staggered terms of three years. The Trustees may select no more than three Alternate members to serve on a yearly basis. The primary responsibility of the alternate is to cast a ballot in the absence of an elected trustee or a Trustee who recuses him/herself. (RSA202-A:6, 202-A:10)

Section 2:

Any member of the Trustees may resign from their post by providing written notice to the Chair of The Trustees.

Section 3:

A Trustee vacancy occurring prior to the expiration of a Trustee's term shall be filled by appointment by the Board of Selectmen, following written notification of such vacancy by the Secretary of the Library Trustees. The Trustees may recommend to the Selectmen the name of candidates for the unexpired vacancy. (RSA202-A:10, RSA669:75)

Powers and Duties of the Trustees

Section 1:

The Trustees shall adopt by-laws, rules and regulations for its own transaction of business and for the governing of the library. (RSA202-A:11)

Section 2:

The Trustees shall prepare an annual budget indicating what support and maintenance of the free public library will be required out of public funds for submission to the

appropriate agency of the municipality. A separate budget request shall be submitted for new construction, capital improvements of existing library property. (RSA202-A:11)

Section 3:

The Trustees shall expend all monies raised and appropriated by the town for library purposes and shall direct that such monies be paid over by the town treasurer pursuant to a payment schedule as agreed to by The Trustees and the selectmen. (RSA-202-A:11)

Section 4:

The Trustees shall expend income from all trust funds for library purposes for the support and maintenance of the public library in accordance with conditions of each donation or bequest accepted by the town.

Section 5:

The Trustees shall appoint a Library Director who shall not be a trustee and, in consultation with the Library Director all other employees of the library and determine their compensation and other terms of employment. (RSA-202A:11)

Section 6:

A Trustee who fails to attend three consecutive regular scheduled Trustee meetings will be advised of this fact by the Chair of the Trustees. The Trustee who has been absent will be asked to show his/her interest in continuing to serve by faithfully attending future meetings. Absences will be considered excused if prior notification is given to the Chair of the Trustees. If there is no response from the Trustee the Chair will send a letter requesting his/her resignation.

Section 7:

The Trustees shall elect a **Chair, Vice-Chair, Secretary and Treasurer.**

Section 8:

Duties of Officers

Chair:

- a. The Chair shall preside at all meetings.
- b. Appoint all committees.
- c. Authorize all calls for special meetings.
- d. Represent the Trustees in matters dealing with the library.

Vice-Chair:

- a. The Vice-Chair shall assume the duties of the Chair at the request of the chair or in the absence of the chair.
- b. Other duties to be determined in support of the chair.

Secretary:

- a. The Secretary shall post all meetings as required by law.
- b. Record, sign and distribute meeting minutes.
- c. Prepare correspondence as directed by the Trustees.

Treasurer:

- a. The Treasurer keeps and reports on all Trustee and library accounts.
- b. Provides fiscal guidance and acts as chair of the Library Budget Committee.
- c. Liaises with the Town Budget Committee.

Section 9:

The officers shall be elected to a one-year term by the Trustees at the annual meeting.

Section 10:

There shall be no limit to the number of terms an officer may serve, however, no officer may hold more than one office at a time.

Section 11:

A vacancy in any office shall be filled by election at the next regular meeting of the Trustees following the occurrence of such vacancy. Any officer so elected shall hold office for the unexpired portion of the vacated term.

Section 12:

No Trustee shall receive any compensation for any services rendered as a trustee, unless compensation is stipulated in the terms of the bequest or gift establishing the library. Trustees may be reimbursed, however, for necessary travel expenses to attend professional meetings. (RSA-202-A:14)

Section 13:

No employee of the Kimball Library shall be discharged or removed from office except by the Library Trustees for malfeasance, misfeasance, or inefficiency in office, or incapacity or unfitness to perform the employee's duties. Any action must be within the due process guidelines set out in (RSA-202-A:17).

Section 14:

The Trustees shall publish each fiscal year an Annual Report to the Town of Atkinson dealing with all library operations. (RSA-202-A:12) The Trustee's shall also provide a Trust Fund Annual Report to the office of the attorney general at the end of each fiscal year.. (RSA-202-A:12-a)

ARTICLE IV Meetings

Section 1:

The regular monthly meetings begin at the agreed upon time set by a majority of the Trustees and all meetings are open to the public.

Section 2:

The regular meeting following the annual election of town officials in Atkinson shall be known as the **Annual Meeting** and shall be for the purpose of electing officers and conducting any other business that may arise.

Section 3:

Special meetings may be called by the Chair or at the request of two members of the Trustees. Trustees must be notified at least twenty-four hours in advance of any special meeting.

Section 4:

Notice of meetings shall be posted 24 hours prior to the meeting and posted at two locations one of which may be the library website. Executive sessions shall be closed to the public, unless opened by vote of the majority of the members. (RSA-91-A:2, RSA-91-A:3) Trustees may participate electronically in meetings in accordance with RSA-A:2, III which allows one or more members of the body to participate in a meeting by electronic

or other means of communication for the benefit of the public and the governing body, subject to the provisions of this paragraph.

Section 5:

Three Trustees in attendance shall constitute a **quorum**.

Section 6:

Robert's Rules of Order shall be the standard for parliamentary procedure.

Section 7:

The Library Director shall attend all Trustee meetings.

Section 8:

The order of business at regular meetings shall be as follows:

- a. Call to Order
- b. Public Participation
- c. Reading and Approval of Minutes
- d. Correspondence
- e. Treasurer's Report
- f. Director's Report
- g. Committee Reports
- h. Unfinished Business
- i. New Business
- j. Adjournment

Section 9:

Procedural Rules for Public Comment

New Hampshire public meeting laws do not require allowing public comment except at public hearings. Kimball Library greatly values residents' input in order to achieve its mission. The Director is welcoming of it, and time can and is encouraged to be scheduled with him/her. The Board of Trustees welcomes comment from Atkinson residents at the beginning of the business portion of all regular meetings, generally for up to 10 minutes, unless the Chair deems additional time is warranted.

- Speakers must sign-in to indicate an intent to speak during public comment.
- No one speaks until recognized by the Chair.
- Comments are limited to Atkinson residents with discretion by the Chair to allow a non-resident to speak.
- The speaker must identify him or herself when beginning to speak.
- One person speaks at a time and interrupting will not be tolerated.
- Public comment is a time for members of the public to speak. It is not a "question and answer session" with the public body and Trustees will not engage.
- Each speaker will be limited to a 3-minute time period.
- Each speaker may speak only once unless the Chair allows an exception, and not before all members of the public signed up to speak have spoken.
- The subject matter of the speaker must be relevant to the library's mission and activities.
- Everyone must speak respectfully.
- If follow-up is needed, a response will be made by the Director or by the Chair on behalf of the Board of Library Trustees within 5 business days.

ARTICLE V Committees

Section 1:

The Chair shall appoint committees of one or more members for such specific purposes as the business of the Trustee's may require from time to time. Each committee will be discharged upon completion of the purpose for which it was established and after it has given a final report to the Trustees.

Section 2:

Committees shall make regular reports on their progress to the Trustees

Section 3:

No committee shall have other than advisory powers unless it is granted specific authority to act by suitable action of the board.

ARTICLE VI Library Director and Staff

Section 1:

The Trustees shall appoint a qualified Library Director who shall be the chief executive and administrative officer of the library.

Section 2:

The Director shares with the Trustees the responsibility for the care and upkeep of the library building and equipment, for the employment and supervision of the staff, for the efficiency of the library's service to the public, and for the operation of the library under the financial conditions set forth in the annual library budget.

Section 3:

The Trustees shall delegate responsibility to The Library Director for the selection of all materials to be incorporated into the library's collection, regardless of the mode of acquisition.

Section 4:

The Trustees, in consultation with the Library Director, shall select the Children's Librarian and Teen Librarian. Supervision of these Librarians is the responsibility of the Library Director.

Sections 5:

It is the responsibility of the Library Director to attend all Trustee meetings except those dealing with his/her appointment, salary, and evaluation.

ARTICLE VII Collective Authority of Trustees

All decisions of The Trustees are to be made by the Trustees as a collective body and no individual member may make decisions or, with exception of the Chair, act or speak for the Trustees unless specifically authorized to do so by a majority vote of the Trustees.

ARTICLE VIII Amendment of By-Laws

These By-Laws may be amended at any regular or special meeting of the Trustees by a two-thirds vote provided the proposed amendment(s) has been submitted in writing to all Trustees at the previous regular meeting.

ARTICLE IX Inconsistent Provision and Severability

To the extent that any provision of the By-Laws is inconsistent with any provision of the New Hampshire public laws/RSA's or the Town of Atkinson's By-Laws or Charter, the New Hampshire public laws/RSA's, as the case may be, shall govern. In the event any article or section, subsection or provision of any article of these By-Laws shall be held unconstitutional or invalid, such invalidity shall not affect the validity or constitutionality of any other article or any other section, subsection or provision.

Appendix

Applicable New Hampshire Public and Revised Statutes Annotated

RSA Sections: 202-A-2, A: 6, A:10, A:11, A:12, A:12-a, A:14, A:17, RSA669:75, RSA-91-A:2, A:3,.

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